

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
(Northern Division)

UNITED STATES OF AMERICA, )  
                                )  
and the STATE OF MISSISSIPPI, )  
                                )  
Plaintiffs,                 )  
                                ) Case No. 3:12-cv-790 TSL-RPM  
                                )  
v.                            )  
                                )  
THE CITY OF JACKSON, MISSISSIPPI, )  
                                )  
Defendant.                 )  
                                )

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WHEREAS, the United States has civil claims (“Federal Claims”) against the City related to the Consent Decree in this case (“CD”) [Dkt. No. 10] and the Clean Water Act (“CWA”) 33 U.S.C. § 1251, *et seq.* generally;

WHEREAS, Mississippi, through the Mississippi Department of Environmental Quality (“MDEQ”), has civil claims (“State Claims”) against the City related to the CD and the Mississippi Air and Water Pollution Control Law, Miss. Code Ann. § 49-17-1 *et seq.* (“MAWPCL”);

WHEREAS, on November 29, 2022, the United States filed a complaint against the City alleging civil claims for violations of the Safe Drinking Water Act (“SDWA”), 42. U.S.C. § 300f *et seq.*, in *United States v. City of Jackson, Mississippi*, Case No. 3:22-cv-00686-HTW-LGI (the “SDWA case”) at Dkt. No. 1. Also on November 29, 2022, Judge Henry T. Wingate in the SDWA case approved an Interim Stipulated Order that, among other things, appointed Edward “Ted” Henifin as the Interim Third-Party Manager (ITPM) over the City’s drinking water system and Water/Sewer Business Administration Division. *United States v. City of Jackson*, Case No. 3:22-

cv-00686-HTW-LGI at Dkt. No. 6. The State of Mississippi, through the Mississippi State Department of Health (“MSDH”), is a signatory to the Interim Stipulated Order.

WHEREAS, the ITPM will be engaged with the United States, the City, and the State of Mississippi in settlement discussions regarding the SDWA case.

WHEREAS, on February 17, 2023, Judge Wingate approved a Confidentiality Order for Settlement Discussions in the SDWA case. *United States v. City of Jackson*, Case No. 3:22-cv-00686-HTW-LGI at Dkt. No. 20.

WHEREAS, those discussions may include matters involving the CWA claims pending in this action.

WHEREAS, on December 13, 2021, this Court entered a Confidentiality Order [Dkt. No. 19], to, among other things, facilitate the free exchange of information, the expression of unvarnished opinions, and enhance the likelihood of a successful outcome; and provide for appropriate protection covering any privilege that could be asserted and the confidentiality of exchanges occurring during the course of such discussions.

WHEREAS, the signatories to this Stipulation stipulate and agree that the Confidentiality Order in this proceeding should be amended to extend to and include the ITPM and MSDH.

WHEREAS, the ITPM and MSDH have signed this Stipulation and consent to be bound by the Confidentiality Order and consent to the substance and form of the proposed Amended Order for Confidentiality of Settlement Discussions.

It is hereby STIPULATED AND AGREED that the Confidentiality Order should be amended to include the ITPM and MSDH. A proposed Amended Order for Confidentiality of Settlement Discussions is being submitted simultaneously herewith.

**ATTORNEYS FOR UNITED STATES OF AMERICA:**

DARREN J. LAMARCA  
United States Attorney for the  
Southern District of Mississippi

Dated: March 7, 2023

/s/ Angela Williams ( with permission by KF)

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Dated: March 7, 2023

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**ATTORNEYS FOR STATE OF MISSISSIPPI:**

FOR THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Dated: March 7, 2023

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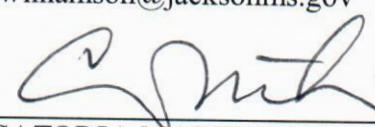
Dated: March 7, 2023

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Dated: March 6, 2023

  
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**FOR THE INTERIM THIRD-PARTY MANAGER:**

Dated: March 7, 2023

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